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CARMEN SANTIAGO, as parent and  
natural guardian of KEVIN  
PEREZ-SANTIAGO

v.

WAL-MART

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Case No.: 11-7793

### **ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2013, upon consideration of the Petition for Leave to Settle or Compromise an Incapacitated Person's Action, it is hereby ORDERED and DECREED that Carmen Santiago as Parent and Natural Guardian of Kevin Perez-Santiago is authorized to enter into a settlement with Defendant, Wal-Mart, in the gross sum of \$75,000.00.

It is further ORDERED and DECREED that the settlement proceeds be distributed as follows:

Law Offices of John T. Dooley, LLC (Reimbursement of Costs)	\$11,586.57
Law Offices of John T. Dooley, LLC (Attorney Fee – 40%)	\$30,000.00
PA Department of Public Welfare (Lien reduced from \$6,752.49)	\$4,051.49
Kevin Perez-Santiago	\$29,361.94

It is further ORDERED and DECREED that the net proceeds for Kevin Perez-Santiago be placed into a new account in which both Carmen Santiago and Kevin Perez-Santiago are named for the withdraw of daily living and housing expenses.

BY THE COURT:

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J.

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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CARMEN SANTIAGO, as parent and	:	
natural guardian of KEVIN	:	
PEREZ-SANTIAGO	:	
	:	Case No.: 11-7793
v.	:	
	:	
WAL-MART	:	

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**PETITION FOR LEAVE TO SETTLE OR COMPROMISE AN  
INCAPACITATED PERSON'S ACTION**

*TO THE HONORABLE JUDGE MITCHELL S. GOLDBERG OF SAID COURT:*

Kevin Perez-Santiago, by his parent and natural guardian, Petitioner, Carmen Santiago, hereby petitions the Court for approval of the Petition for Leave to Settle or Compromise an Incapacitated Person's Action and in support thereof aver as follows:

1. Petitioner is Carmen Santiago, the parent and natural guardian of Kevin Perez-Santiago, a special needs child who resides with his mother, born on July 18, 1992.
2. Kevin Perez-Santiago resides with his mother and natural guardian at 2076 E. Allegheny Avenue, Philadelphia, PA 19134.
3. Kevin Perez-Santiago reads at a first grade level and is incapable of making decisions on his own requiring life skills support. See Individualized Education Program IEP Report appended hereto and identified as Exhibit "1".
4. On August 29, 2009, Kevin Perez-Santiago while inside the premises located at Wal-Mart, Store 5103, 4600 Roosevelt Boulevard, Philadelphia, PA 19124, slipped and fell on water leaking from the roof that pooled in the sporting goods aisle causing Mr. Perez-Santiago to sustain severe, permanent and debilitating personal injuries.

5. As a result of the accident, Mr. Perez-Santiago suffered a right ACL tear and right meniscal tear. See Medical Records of Martin Herman, M.D. appended hereto and identified as Exhibit "2".

6. Petitioner, Carmen Santiago, believes the settlement offer to be fair and reasonable and believes that it adequately compensates Mr. Perez-Santiago for the injuries and damages he sustained. Therefore, she has agreed to accept \$75,000.00 to settle Mr. Perez-Santiago's claim. See copies of releases appended hereto and identified as Exhibit "3".

7. Counsel for Petitioner approves the settlement because they consider it fair and reasonable and believe that it adequately compensates Mr. Perez-Santiago for his injuries sustained and expenses incurred.

8. The Department of Public Welfare, has a lien against the Plaintiffs which they are seeking \$4,051.49 as reimbursement for the payment of medical bills as evidenced by the correspondence appended hereto and identified as Exhibit "4".

9. The following costs and expenses have been incurred by counsel for which reimbursement is sought:

Filing fees and service	\$646.42
Overnight deliveries	\$77.90
Deposition transcripts	\$1,038.00
Translator for deposition	\$243.75
Witness fee	\$30.00
Expert fees and investigation	\$7,359.60
Legal research	\$60.01
Medical records	\$1,337.63
Copies and Postage	\$699.28
Tolls and parking	<u>\$93.98</u>
TOTAL:	\$11,586.57

10. Counsel requests a fee in the sum of \$30,000.00, representing 40% of the gross recovery, which due to the nature of this matter, with having to obtain and review the numerous amounts of medical records and discovery responses of defendants, having to obtain a liability expert and conduct an inspection and having to conduct depositions,

is a fair amount and an amount to which Petitioner agreed. A copy of the executed Contingent Fee Agreement is appended hereto and identified as Exhibit "5".

11. The net amount payable to the incapacitated person after deduction of costs, attorneys' fees and the Department of Public Welfare lien is \$29,361.94.

12. Petitioner hereby requests that the net recovery of \$29,361.94 be placed into an account that is accessible to her and Kevin Perez-Santiago for daily living and housing expenses.

**WHEREFORE**, Petitioner requests that she be permitted to enter into the proposed settlement and the Court enter an Order of distribution as outlined above.

Respectfully submitted,

**LAW OFFICES OF JOHN T. DOOLEY, LLC**

BY:                     /S/                      
John T. Dooley, Esquire  
William J. Coppol, Esquire  
Attorneys for Plaintiffs,  
Carmen Santiago,  
as parent and natural guardian of  
Kevin Perez-Santiago

**CERTIFICATE OF SERVICE**

I, William J. Coppol, Esquire, do hereby certify that I served a true and correct copy of Petition for Leave to Settle or Compromise an Incapacitate Person's Action, upon counsel listed below via electronic filing with the Court.

Myisha Lacey-Tilson, Esquire  
McDonnell & Associates  
Metropolitan Business Center  
860 First Avenue, Unit 5B  
King of Prussia, PA 19406

**LAW OFFICES OF JOHN T. DOOLEY, LLC**

BY:                     /S/                      
John T. Dooley, Esquire  
William J. Coppol, Esquire  
Attorneys for Plaintiffs,  
Carmen Santiago,  
as parent and natural guardian of  
Kevin Perez-Santiago

**Dated: 1/25/13**